Remark

Applicants respectfully request reconsideration of this application as amended. No have been amended. No claims have been cancelled. Therefore, claims 1-33 are present for examination.

35 U.S.C. §102 Rejection

Ellis

The Examiner has rejected claims 1-4, 6, 10-18, 20-25 and 30-32 under 35 U.S.C. §102(e) as being anticipated by Ellis et al., U.S. Patent No. 7,185,355 ("Ellis"). The Examiner relies primarily on Figures 18 and 19. According to the Examiner, Figure 18 has a display screen that contains multiple lists of programming and when one list (By Time 182) is selected, it is presented in Figure 19. The Examiner suggests that it is inherent that any displayed list will be stored in order to support its display.

Claim 1 refers to "identifying multiple stored preferences lists corresponding to the current user" and "searching a set of stored preferences lists." However, Ellis states that Figure 18 shows "a column of display format options 182 in a navigator menu 184." (12:19-20) A "display format option" is not a list but a way to format a list for display.

Figure 19 shows that a "by-time favorites list 190 contains all programs that satisfy the preferences set forth in the current profile organized in a time-ordered list." (12:25-28) The specification refers to step 174 which describes the dedicated favorites display format as "e.g., a time ordered list of programs that meet the criteria set forth in the currently provided active profile." (12:2-3) It is therefore clear that the "by time list" is not a list at all but a display format applied to the master list.

The Examiner would seem to suggest that the "by time" display format must be stored in order to be displayed and that this stored display format is tantamount to a list. However, even if this is true, it is inconsistent with the claims.

Claim 1 recites, *inter alia*, "searching a set of stored preferences lists" and "providing a list display of the identified stored preferences lists." So according to the claim, the "lists" displayed in Figure 18 must already be stored, then searched, then displayed, before the user selects one. However, there is nothing in Ellis to suggest this manner of operation.

First, the normal operation to be expected in Ellis would be that the display format options are generic and are presented to every user without any need for a search as recited in the claims. Second, it would be normal to expect that when a display format is selected, then the formatting rules are applied to the master list. If anything is stored then it is stored after the display format is selected, not before as recited in the claims. Ellis certainly contains nothing to the contrary.

Third, while Ellis is silent on this issue, it does discuss a situation that might be similar. Ellis states that "when the user selects the always-on mode option... all of the program listings display formats... are modified..." "For example, selecting by-time option 182... results in a by-time favorites display of the type shown in FIG. 19." (12:32-39) While not clear on the matter, this would suggest that lists are modified after a selection is made. The claims, on the other hand recite that the lists are stored even before the identifiers are displayed for selection.

In addition, the lists are lists related to a particular user. Ellis states "Profile No. 1 belongs to a first user." (9:31-32) "Profile No. 2 belongs to a second user." (9:37) "Profile No. 3 belongs to a third user." (9:42) "When a user desires to use the program

guide, the user may activate an appropriate profile." (9:51-52). "The user may select which profile to change or update when highlight region 124 is on a profile name 126 such as 'Mike.'" (10:21-23)

In the Figure 19 display, the profile can be changed by selecting the arrows around the indicated profile 194 "Mike." There is nothing to suggest that by-time is a unique list just for the Mike profile.

Claim 1, by contrast recites, "providing a list display of the identified stored preferences lists corresponding to the current user." The Examiner has failed to identify more than one list for Mike. Instead Mike has a choice of different display options.

Ellis confirms this by describing a by-time list as "e.g., a time ordered list of programs that meet the criteria set forth in the currently provided active profile." (12:2-3) So the one "Mike" profile is applied as criteria and then the list is ordered by time.

For these reasons, Claim 1 is believed to traverse the rejections. The remaining claims are believed to be allowable on the same grounds, *inter alia.*

35 U.S.C. §103 Rejection

Ellis and Stinebruner

The Examiner has rejected claims 5, 7-9, 19, 26-29 and 33 under 35 U.S.C. §103(a) as being unpatentable over Ellis, in view of Stinebruner, U.S. Patent No. 6,133,910 ("Stinebruner"). This rejection relies on the Ellis rejection discussed above and is traversed on the same grounds.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.
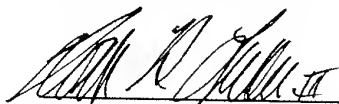
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: March 24, 2009

Gordon R. Lindeen III
Reg. No. 33,192

1279 Oakmead Parkway
Sunnyvale, California 94085
(303) 740-1980

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